

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KIM SHANK,	:	
	:	
Plaintiff	:	CIVIL ACTION NO. 2:15-cv-05319-JCJ
	:	
V.	:	ELECTRONICALLY FILED
	:	
FISERV, INC.,	:	
	:	
Defendant	:	

JOINT PROPOSED DISCOVERY PLAN

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and Local Rule 26.1, the parties submit the following Joint Discovery Plan.

A Rule 26 conference was conducted between Amanda Colvin, Esquire and Charles Jellinek, Esquire of Bryan Cave LLP, counsel for Defendant, and Kevin Console, Esquire counsel for Plaintiff, on February 16, 2016.

I. INITIAL DISCLOSURES

Plaintiff has served her Initial Disclosures pursuant to Fed.R.Civ.P. 26(a)(1).

Defendant is to serve its Initial Disclosures no later than March 8, 2016.

II. FORMAL DISCOVERY

1. The parties propose the following discovery deadlines:
 - a. All discovery shall be completed by: July 29, 2016.
 - b. Dispositive motions, if any, shall be filed by: August 31, 2016.
 - c. Responses to dispositive motions shall be filed by: September 30, 2016.
 - d. Plaintiff's expert report(s), if any, on all non-liability, economic issues due by: thirty (30) days after ruling on dispositive motions.
 - e. Defendant's expert report(s), if any, on all non-liability, economic issues due by: thirty (30) days after Plaintiff's expert report(s).

f. Depositions of all experts, if any, to be completed by: thirty (30) days after Defendant's expert report(s).

2. At this early stage, neither party anticipates the use of an expert witness in this litigation.

3. The parties do not anticipate any change to the maximum number of interrogatories or depositions imposed by the Federal Rules of Civil Procedure.

4. The parties anticipate that discovery will be necessary as to all the factual underpinnings of Plaintiff's claims, including Plaintiff's employment with Defendant, and the circumstances surrounding Plaintiff's termination. Further, discovery will be taken as to whether and to what extent Plaintiff suffered damages as a result of Defendant's alleged actions. The Defendant anticipates that discovery will be necessary regarding facts concerning its defenses. The parties anticipate that approximately five (5) months of discovery time will be sufficient to prepare the case for trial, that discovery should commence immediately (Plaintiff has already served her initial discovery requests on Defendant), and that discovery should not be conducted in phases or limited to or focused on particular issues.

III. ELECTRONIC DISCOVERY

Plaintiff has served discovery requests seeking electronically stored information ("ESI") from Defendant by way of search terms/criteria, including searches of e-mail communications that may exist on Defendant's server(s). Plaintiff is awaiting Defendant's responses, and to the extent it becomes necessary, the parties will discuss refinement of the appropriate search terms/criteria.

IV. EXPERT WITNESS DISCLOSURES

The parties have agreed on the deadlines for expert witness disclosures described above in Section II, should the same be identified in this matter.

V. PRE-TRIAL AND TRIAL

1. Proposed trial date: February 13, 2017.
2. Plaintiff anticipates that her case-in-chief will take three (3) days to present.

Defendant anticipates that it will take three (3) days to present its case-in-chief.

VI. ALTERNATIVE DISPUTE RESOLUTION

The parties believe this case is suitable for alternative dispute resolution (“ADR”). The case shall be referred to ADR by May 20, 2016.

VII. OTHER MATTERS

Subject to further developments during discovery, the parties expect no special discovery needs in this matter.

Respectfully Submitted,

BY: /s/Amanda Colvin, Esquire
Charles B. Jellinek, Esquire
Amanda Colvin, Esquire
Bryan Cave LLP
One Metropolitan Square
211 North Broadway, Suite 3600
St. Louis, MO 63102

BY: /s/Kevin Console, Esquire
Kevin Console, Esquire
Console Law Offices LLC
1525 Locust Street, Ninth Floor
Philadelphia, PA 19102

BY: /s/Michael LiPuma, Esquire
Michael D. LiPuma, Esquire
Law Office of Michael D. LiPuma
325 Chestnut Street, Suite 1109
Philadelphia, PA 19106